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10 Attorney for Defendant
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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA,)
18 Plaintiff,) No. CR. S-03-534 FCD
19)
20 v.) STIPULATION AND ORDER
21) TO CONTINUE BRIEFING
22) SCHEDULE; FINDING
23) OF EXCLUDABLE TIME
24 TROY URIE,)
25)
26 Defendant.)
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16 The United States of America, through Assistant U.S. Attorney Heiko Coppola, and
17 defendant Troy Urie, through his counsel Scott L. Tedmon, hereby stipulate and agree as follows:

18 1. In this case, the Court has previously excluded time under the Speedy Trial Act through
19 November 9, 2009 under 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], complex
20 case and counsel's need for time to prepare.

21 2. This case is complex in that the Indictment charges facts which involve multiple
22 jurisdictions, some located across the United States. Additionally, there are legal issues involving
23 alleged conduct in other federal jurisdictions which involve ongoing litigation. The defendant is
24 challenging his conviction from the Northern District of California in the Court of Appeals for the
25 Ninth Circuit. The facts presented by the government in the Northern District conviction included
26 conduct charged in this case, raising the issue of collateral estoppel and the need for this issue to be
27 litigated in both this Court and the Ninth Circuit.

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1 The defendant filed a motion with respect to the issue of collateral estoppel and the
2 government has filed their response. Given the complexity of the issue raised by defendant and the
3 government's response, defendant Uriel needs additional time to prepare his reply brief to the
4 government's response. As such, the parties have agreed on the following amended briefing
5 schedule:

6 Defense reply brief due on or before Monday, November 16, 2009

7 Non-evidentiary hearing on motion: Monday, November 30, 2009 at 10:00 a.m.

8 In addition to this legal issue, the defense continues to conduct their investigation and
9 review of the case. Based on these factors, the parties stipulate that the Court's finding of
10 complexity and counsel's need for time to prepare pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii) and (iv)
11 is appropriate.

12 3. The parties stipulate and agree that the Court should reiterate its previous finding that
13 time should be excluded under the Speedy Trial Act, pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and
14 (iv), [Local Code T2 and T4], and that the ends of justice therefore outweigh the best interest of the
15 public in a speedy trial.

16 4. Accordingly, it is hereby stipulated and the parties agree that time be excluded from
17 November 9, 2009 through November 30, 2009 under the Speedy Trial Act pursuant to 18 U.S.C.
18 §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], in that this case is complex, counsel for the
19 parties need time to prepare, and that the ends of justice outweigh the best interest of the public in
20 a speedy trial.

21 5. Additionally, the parties stipulate and agree that time should also be excluded under 18
22 U.S.C. § 3161(h)(1)(D) [Local Code E] for delay related to the filing of pretrial motions, from the
23 filing of the motion on August 10, 2009 through the conclusion of the hearing on November 30,
24 2009.

25 6. Michele Krueger has approved the requested court date.

26 7. Scott L. Tedmon has been authorized by the government's counsel to sign this stipulation
27 on his behalf.

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1 **IT IS SO STIPULATED.**

3 DATED: October 27, 2009

LAWRENCE G. BROWN
United States Attorney

5 /s/ Heiko Coppola
HEIKO COPPOLA
Assistant United States Attorney

7 DATED: October 27, 2009

LAW OFFICES OF SCOTT L. TEDMON

9 /s/ Scott L. Tedmon
SCOTT L. TEDMON
Attorney for Defendant Troy Urie

11 **ORDER**

12 GOOD CAUSE APPEARING and based upon the above stipulation, the Court adopts the
13 briefing schedule on the issue of collateral estoppel and IT IS ORDERED:

14 Defense reply due on or before Monday, November 16, 2009.

15 Non-evidentiary hearing on motion: Monday, November 30, 2009 at 10:00 a.m.

16 The Court reiterates its previous finding that time be excluded under the Speedy Trial Act
17 pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], in that the case is
18 complex, that counsel needs additional time to prepare, and that the ends of justice therefore
19 outweigh the best interest of the public in a speedy trial. The Court also finds that time should be
20 excluded under 18 U.S.C. § 3161(h)(1)(D) [Local Code E] for the delay related to the filing of
21 pretrial motions, from the filing date of the motion on August 10, 2009 through the conclusion of
22 the hearing on November 30, 2009.

23 Accordingly, IT IS FURTHER ORDERED that pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and
24 (iv), [Local Code T2 and T4] the period from November 9, 2009, to and including November 30,
25 2009, is excluded from the time computations required by the Speedy Trial Act.

26 IT IS ALSO FURTHER ORDERED that pursuant to 18 U.S.C. § 3161(h)(1)(D), [Local
27 Code E] the period from August 10, 2009 to and including November 30, 2009, is also excluded
28 from the time computations required by the Speedy Trial Act.

1 **IT IS SO ORDERED.**
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3 DATED: October 28 , 2009
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FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE